UNDERSTANDING TAQLĪD

FOLLOWING ONE OF THE FOUR GREAT IMĀMS

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الحمد لله رب العالمين وصلى الله وسلم وبارك على سيدنا ونبينا محمد وعلى آله واصحابه اجمعين والتابعين لهم باحسان الى يوم الدين ، اما بعد:

INTRODUCTION

Whether or not a person should follow one of the four schools is an issue that has created much confusion among Muslims today. It is hoped this short treatise will serve to dispel much of the misinformation regarding this issue and furnish the details for why the four schools (Ḥanafī, Mālikī, Shāfiʿī and Ḥanbalī) have such a central role in Sunnī Islām.

Due to the importance of this subject, this booklet is being distributed for free and there is no copyright preventing anyone wishing to reprint it from doing so. Finally, I would like to thank Mufti Javed Iqbal of Al-Habib Trust, and my brother Mufti Sarfraz Muhammad for their invaluable help and advice. May Allāh Taʿāla accept this effort, make it beneficial and reward all those who helped in any way in its production. Āmīn.

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CHAPTER ONE: THE BASIC ARGUMENT FOR TAQLĪD

Taqlīd means to follow the legal opinions of a scholar without gaining knowledge of the detailed evidences for those opinions (refer to Imām Ghazālī's *Al-Mustaṣfā*, pg.579). The non-scholar is compelled to do this, as he is unable to encompass the evidences to assert his own view on any particular issue related to the Dīn. This relying upon a group of highly-trained individuals is seen in every aspect of human life, from building an extension to our homes to seeking medical treatment; we unquestioningly defer to the experts. A sick person never tries to diagnose himself, let alone be bold enough to prescribe the course of medicine he needs to take using his own knowledge. Rather, he sits humbly in front of the doctor and accepts everything he tells him and prescribes him. It would seem that Islām's sacred law alone has been singled out as being that one thing wherein any person can consider himself an authority, no matter how deficient and defunct that person's abilities may be. In fact, it is quite tragically said to be his duty to access and understand the Holy Qur'ān and Sunna by himself.

This position is being argued with evermore frequency in masjids, university Islāmic societies and study circles. It is a lamentable development, because not only does it cause further disunity, but it also saps the energies of the umma, diverting it from many higher and loftier plateaus of religious endeavour. The truth is that if a number of undeniable facts were to be pondered over with reason and objectivity, it would become quite clear that taqlīd has to be obligatory for the non-scholar, and even for those scholars who have not acquired the lofty qualifications of a mujtahid. This section of the treatise is devoted to succinctly outlining these facts.

LAYMEN ARE NOT SCHOLARS

There are literally thousands of rulings derived from the Qur'ān and Sunna that pertain to a vast array of human activity, from rulings on the correct way to perform ṣalāh to what renders a sale-contract invalid, to how a state is to be run. To understand and

elaborate these rulings is not and cannot be permitted for those who have not dedicated the many years required acquiring all the ancillary tools, which are the Islāmic Sciences - such as Arabic grammar, the science of ḥadīth (*'ulūm al-ḥadīth*) the science of Arabic rhetoric (*'ilm al-balāgha*), the science of Qur'ānic exegesis (*tafsīr*), the knowledge of jurisprudential principles (*uṣūl al-fiqh*) etc. - and then of course actually developed them to the advanced degree of a specialist. This obvious fact should suffice in making a person realise that the layman should follow the scholars.

Thus, if one does not understand the Arabic language, it would be fanciful rather prohibited for him or her to assume that he can decide on a practical issue of the Dīn using a translation of Ṣaḥīḥ al-Bukhārī or the Holy Qur'ān, even if he may be considered exceptionally intelligent otherwise. The most glaring reason for this is that the majority of major ḥadīth collections have not been translated into English. How can a person come anywhere close to a reasonable judgement on a ruling of the Dīn, when he does not have the whole picture in front of him? Adding to this, the few translations which do exist can never reveal the sheer complexity of meaning and linguistic dimensions contained in the Arabic words. Without an appreciation of the depth of each and every word, syntactical implications etc. a person will easily miss a ruling latent therein, hence giving a skewed interpretation.

Take the example of the following verse: "O believers, when you stand up to pray wash your faces, and your hands up to the elbows, and wipe your heads, and your feet up to the ankles…." (Qur'ān 5:6)

This verse contains many legal implications and rulings. Just one of them is as a consequence of the Arabic conjunction *wāw* (and). To the unsuspecting non-Arab, this is just to be translated as "and." However, this *wāw* is much deeper than the "and" in English. Expert jurists like Imām Shāfi'ī ﷺ and Imām Abū Ḥanīfa ﷺ differed on its function in a sentence. Imām Abū Ḥanīfa ﷺ, supporting his view with many evidences, holds that it has the function of unrestricted joining (*muṭlaq al-jam'*). Based on this, if a person said: "Zayd and (*wāw*) Bakr came to me" the meaning could be:

1. Zayd came first then Bakr,
2. Bakr came first then Zayd,
3. or both came together simultaneously.

This is the function of *wāw* according to Imām Abū Ḥanīfa ﵀. Other jurists held that the function of *wāw* is for sequence or order (*tartīb*). In other words, that which precedes the *wāw* is first in order. Thus, in the abovementioned example it can only be said that Zayd came first. This subtle difference in relation to a mere letter meant that according to Imām Abū Ḥanīfa ﵀, if a person washed the limbs of wuḍū in other than the order mentioned in the verse, his wuḍū is valid and there is no sin upon him. Imām Shāfiʿī ﵀ however, based on his understanding of this conjunction, declares it obligatory to adhere to the sequence mentioned in the verse: the face must be washed first, followed by the arms, then the head will be wiped and finally the feet will be washed. If this order is broken, the wuḍū is invalid and must be repeated. This is just one example among thousands which illustrates that interpreting the sacred sources is not for the layman.

This also reveals the folly of those who argue that we agree that the issues of the Dīn are as complexed as you mention, but nonetheless, the layman will ask a scholar to merely present the various different meanings and arguments to the layman and then he will use his ability to choose the stronger position.

In reply, is it realistic to expect a layman unversed in the Islāmic sciences, who is busy bringing up his family, spending most of his waking hours earning a living for them and fulfilling his own and their religious and worldly needs, to be able to grasp the subtleties and linguistic complexities of these issues; and this being the case with the hundreds of issues he needs to act upon? For example, before he marries, rather than restricting his questioning of a scholar to what are the conditions needed to effect a valid marriage and what are the rights of the wife, he must analyse all the voluminous sacred sources to ascertain all the evidences.

If he were to do this, he would be without exaggeration taking on a mammoth task. Assuming he had all the Arabic sources in front of him and was a genius of the Arabic language, he would still have a

formidable list of undertakings in front of him. He would have to seek out every text, verse and ḥadīth, to locate all the relevant evidences for every single aspect or ruling. Once he has gathered all the texts, he would need to sift out the weak or inadmissible evidences among them, based upon solid criteria. Then he would need to determine the meaning being established by the remaining texts by pondering and researching painstakingly. Furthermore, is that meaning clearly mentioned or is it understood by reason etc. (*ʿibārat al-naṣṣ, iqtiḍā al-naṣṣ* etc.)? Thereafter, he would have to assess the strength or value of the ruling of these evidences: is the text rigorously strong that it establishes an obligation, or is it of a lesser level establishing praiseworthiness or permissibility? Needless to say, to enable this he will need a criteria already formulated and backed by other evidences. This is because it is evident that the weight held by a point deduced from a text through reason will be of a different level to a point taken from the apparent meaning. Finally, he would have to give coherent responses to all evidences that contradict each other, in order to achieve reconciliation between the texts.

If he actually did this correctly, he would be unable to pursue any worldly occupation or living, as he would be a full-time scholar whose occupation is expertise in the sacred texts. Our Dīn however is a practical Dīn, to be lived and practiced by people from all walks of life, regardless of their preoccupations and abilities. It does not require people to leave their daily needs and restrict life to studying legal interpretation. Thus, as has always been accepted by the scholars of the umma, the duty of specialising in the detailed rulings of the Dīn is only upon one section of the community, which then acts as a guide for the rest, who turn to them and do the more easy and attainable job, of simply asking what are the laws of trade, what are the laws to do with marriage, what are the rulings to do with inheritance and so forth with every department of life. This is the duty and obligation of every Muslim. As for the role of interpreting the sacred texts (*nuṣūṣ*), it is the sole preserve of the scholars, as Allāh says, "It is not for the believers to go forth altogether: why should not a party of every section of them go forth so that they may become learned in religion and that

they may warn their folk when they return to them, so that they may beware?" (Qur'ān, 9:122)

Furthermore, it is impractical for a layman to go to a scholar and expect him to laboriously and patiently elaborate to him on every issue where scholars have differed, and having spent perhaps over an hour explaining the primal evidences alongside the often complicated supportive evidences of the differing scholars, to say to the layman, "Now you choose whichever you feel is the strongest opinion!"

Those who live in the Muslim community know very well that in the vast majority of cases when the layman poses a question to a scholar, the scholar will not even present the detailed evidence for the opinion he holds, let alone delve into the evidences of others. This is because he is aware that the layman is neither capable of weighing up between legal opinions nor is he obliged to do so. What is more is that this has always been the way the Dīn was practised from the time of the Companions ﷺ, as will become evident in the following pages.

THE GREATNESS OF THE EARLY SCHOLARS OVER THE LATER SCHOLARS

Once it is acknowledged that the layman must follow scholars, why is it that the four imāms and their schools alone are given preference over all other scholars?

Firstly, all four imāms - Imāms Abū Ḥanīfa, Shāfiʿī, Mālik, Aḥmad ﷺ - belong to that age and those generations, regarding which the Messenger of Allāh ﷺ testified to being the best of this umma. He ﷺ said, "The best of my umma is my generation, then those who follow them, then those who follow them." Furthermore, the testimonies of the most erudite Sunnī scholars for over a thousand years leave no doubt that these four men and their schools represent the most authentic, penetrating and faithful understanding of the Holy Qur'ān and Sunna. No scholar of the later centuries received the kind of unequivocal acclaim they received from such a high calibre of scholars.

Thus, when it is accepted and obvious that the non-scholar is compelled to follow scholars for his Dīn, it is absurd to give preference to a scholar coming in the later centuries over one of these four great imāms. Muslim scholars throughout the centuries, right up to very recent times, taught this point as an incontestable fact. Imām Ibn Rajab al-Ḥanbalī ﷺ was a great jurist and scholar respected by all schools. He lived in the fourteenth century when levels of scholarship were incomparably above the current situation. He wrote two works augmenting this to be the view of the Ahl al-Sunna. His first book is entitled: *Al Rad ʿalā man ittabaʿa ghayr al-Madhāhib al-Arbaʿa* (Refutation of those who follow other than the four schools). His second treatise is: *Bayān Faḍl ʿilm '-l-Salaf ʿalā ʿilm 'l-Khalaf* (The Exposition of the Excellence of the Knowledge of the Predecessors over the Knowledge of the Successors). Both works have always been unquestionably counted as the Imām's works and are easily available. One wonders what the classical Sunnī scholars such as Imām Ibn Rajab would have said if they could see our state today, where we find the four schools being actively targeted and made to seem deviant, and where Muslims who are not Sharīʿa experts and thus decide to rely on one of the four great imāms are maligned for doing so?

SUNNĪ SCHOLARS PRACTISED TAQLĪD OF THE FOUR SCHOOLS

This leads us to another patent fact, namely that practically all the thousands of famous ḥadith scholars (*muḥaddithūn*) and jurists (*fuqahā*) of the Muslim umma for the last one thousand years followed one of the four imāms, finding themselves compelled to submit to their breathtaking intellectual rigour and insight. This is a fact attested to by the most authoritative books of ḥadīth criticism and Islāmic history, such as Imām Dhahabī's ﷺ *Siyar Aʿlam al-Nubalā* and the various other biographical compilations (*ṭabaqāt* and *kutub al-rijāl*). It is startling to find giants in Islāmic scholarship, such as Imāms Ibn Ḥajar, Dhahabī, Ṭaḥawī, Rāzī, Jaṣṣāṣ, Nawawī ﷺ, and the list goes on endlessly, all adhering to one of the four schools.

Clearly, this is also a great testimony to the true humility and fear of Allāh Taʿāla these tremendous men possessed, that despite their own towering statuses as ḥadith scholars (*muḥaddithūn*) and jurists (*fuqahā*), they were ready to admit that others had greater knowledge than themselves and thus they followed them. Just as this speaks volumes about them and their real humility, it also reveals an alarming danger for a sincere Muslim concerning his own condition. Namely, if it was a mark of humility that compelled them to choose one of the imāms to follow, then surely rejecting taqlīd of the imāms may possibly indicate the pride lurking within a person. For despite being hindered by a myriad of deficiencies, such as not being able to understand Arabic and having little or no appreciation of the Islāmic sciences, what could possibly lead a person to believe he was above practising taqlīd?

Pride is a disease that for the earnest believer cannot be tolerated at any expense, for the Messenger of Allāh ﷺ said, "A person with the extent of a grain of pride in his heart will not enter Paradise" (Ṣaḥīḥ Muslim)

LEAVING TAQLĪD IS AN INNOVATION

When the case for taqlīd seems so clear, where did the opposing view that is promulgated with such force today come from? The recent movement against taqlīd and following one of the four imāms is a modern one (despite it giving the impression that it is classical, because its advocates are after all still using the classical texts of the Qur'ān and Sunna) which has its roots in eighteenth century Arabia. Before this, if a traveller travelled the length and breadth of the Muslim lands, from China on one side to North Africa on the other, the only scholars or seminaries he would find would be those belonging to and teaching one of the four schools. An obvious proof of the rawness of this movement is the fact that when it comes to delving into serious further study of the Sharīʿa (beyond basic booklets on ṣalāh, ḥajj and fasting), such as the detailed rulings pertaining marriage, divorce, leasing, buying and selling, trusts, partnerships, inheritance law, international

law etc. one encounters a somewhat uncomfortable reality for those who advocate not following the four imāms and their schools: they are forced to acknowledge that they have no detailed compilation of such laws, systematically presented with explanation and evidences. Thus, at this juncture they are forced to turn to the classical works of the four schools. For this very reason, students of knowledge in Saudi Arabia today study the standard texts of the Ḥanbalī school such as *Zād al-Mustaqniʿ* and *Rawḍat al-Nāẓir*. Had the six books of ḥadīth been sufficient for students, why are these classical madh'hab-based texts studied so diligently? Hence, the claim that all one needs is the Holy Qur'ān and six books of ḥadīth is based on nothing more than ignorance of the facts. This being the state of non-madh'habism (or not following a madh'hab), the movement only gains followers due to being unaware of the facts and the great heritage of the umma.

Hence, such a claim that ends up deeming the billions of madh'hab-adherent Sunnī Muslims throughout the centuries as followers of a mistaken methodology, rendering the accomplishments of the elite of Islāmic scholarship as inferior and defunct, definitely demands deeper probing that goes beyond superficial slogans.

CHAPTER TWO: THE EVOLUTION OF TAQLĪD AND FOLLOWING THE FOUR GREAT IMĀMS

It is an undisputed fact that taqlīd existed from the very early days of Islām, as it is the inescapable procedure for learning. The Companions (Ṣaḥāba) ؓ and Followers (Tābiʿūn) of other Companions were compelled to do taqlīd of their seniors. Those of the Companions and Followers (Tābiʿūn) who were not scholars simply took the Dīn from those among them who were. Their basis for their doing taqlīd, apart from the obvious reason mentioned above, was the evidences that made it an obligation for them.

Allāh commanded the believers thus in the Holy Qur'ān: "O you who believe! Obey Allāh and obey the Messenger and those authorities among you," (Sura al-Nisā: 59). Ibn Abbas ؓ and Mujāhid, as recorded by many authorities in tafsīr (exegesis), state "those

authorities among you" to be the Islāmic jurists who alone have the skills to derive laws from the Holy Qur'ān and Sunna, (see *Tafsīr al-Ṭabarī*, vol.8 pg. 499-501 and *Al-Tafsīr al-Kabīr* of Imām Fakhr al-Dīn al-Rāzī, vol.5 pg. 115-120). Hence, the Companions ﷺ and the Followers who were not jurists followed those who were.

Elsewhere in the Holy Qur'ān, Allāh Ta'āla says, "Ask the people of remembrance if you know not" (Sura al-Anbiyā: 7). This verse clearly shows that neither is everyone a scholar nor are they supposed to be, otherwise the text would not exhort them to ask the scholars, as those being addressed are already scholars not needing to rely on others. Therefore, if taqlīd of the scholars had, as claimed, nothing to do with Islām, this verse should have instead said: Look to the verses of the Qur'ān and ḥadīth if you know not.

Another proof for the need for taqlīd is found in Sunan Abī Dawūd. The words of the ḥadīth are: "Verily, the cure to not knowing is asking." The background of this ḥadīth is that the Companions of the Prophet ﷺ were on a journey and had alighted for the night at a certain location. In the morning, one of the Companions who was wounded needed to have a major ritual bath. In view of his wound and the cold water, he asked his fellow travellers how he should purify himself for fajr prayers. They said that according to their knowledge, he must still have the bath and the dispensation of *tayammum* (dry ablution) was not open to him. He did as they instructed him. However, the frail Companion was harmed by the water and this led to his death. When the whole story was related to the Messenger ﷺ, he became upset and angry, and rebuked his companions saying, "Why did they not ask when they knew not? Verily the cure for not knowing is to ask. It would have sufficed him had he performed *tayammum* and kept his wound bandaged."

The ruling the Companions ﷺ gave was according to the evidences they knew. Despite this, it was not said that you are absolved of responsibility on account of trying your best with the knowledge you had gained. Rather this action brought the severest response from the Messenger ﷺ and they were also held directly responsible for the death of their companion. If individuals were permitted to speak on

legal issues of the Dīn independently without asking and following the explanations of the scholars, there would not have been any cause for blame or condemnation in this incident. The fact that there was blame, and in such an emphatic way, tells us that it is not permitted for unqualified Muslims to pronounce even a single ruling of the Dīn.

Thus, this ḥadīth and its explicit rejection of 'DIY Islām' is not only a clear proof for the practice of taqlīd, but it also succinctly and powerfully articulates the rationale and legal justification for why taqlīd is held to be necessary (*wājib*) for the layman in Sharī'a law.

Another ḥadīth supporting the concept of taqlīd is found in Ṣaḥīḥ al-Bukhārī. The Messenger of Allāh ﷺ said, "Whoever Allāh wishes good for, He grants him deep understanding (*fiqh*) of the Dīn." This ḥadīth clearly proves that Allāh has favoured some members of the community over others with profound understanding of the Dīn. Thus, there are those who deserve to speak on matters of the Dīn and those who do not. It is thus obvious that the unlearned will follow the learned. However, those who argue against following a madh'hab contradict the ḥadīth, as they contest that all Muslims are equal in expertise and understanding, on the basis of which they forbid all Muslims from following any person and instead call towards directly accessing the Qur'ān and Sunna without any medium.

TAQLĪD IN THE AGE OF THE ṢAḤĀBA

There are many examples in the ḥadīth books where we find the Companions of the Messenger of Allāh ﷺ doing taqlīd of other more learned Companions. We will mention just a few of these examples below. More can be found in Mufti Taqi Usmani's valuable work on this subject entitled *The Legal Status of Following a Madhab*:

1. Abū Ayyūb al-Anṣārī ﷺ was once on his way for ḥajj and lost the camels he had brought to be sacrificed (and by which a person comes out of the state of *iḥrām*). On the day of sacrifice, he came to 'Umar ﷺ and asked him what to do. 'Umar ﷺ told him to do as those who perform *'umra* do (i.e.. to shave or cut their hair), subsequently exit

the state of *iḥrām*, and in the following year, perform ḥajj and make the sacrifice. In this instance, neither did Abū Ayyūb ﷺ ask for proof nor was it provided. This is nothing but taqlīd. (Muwaṭṭā Imām Mālik)

2. Once ʿUmar ﷺ saw Ṭalḥā ﷺ wearing a coloured piece of cloth in the state of *iḥrām* (as long as the cloth is unscented, such coloured sheets would be permitted for *iḥrām*). ʿUmar ﷺ asked him the reason for wearing such sheets. Ṭalḥā ﷺ replied that the cloth was from a material which had not been scented. ʿUmar ﷺ said, "You are people who are followed by others. If an unknowing person saw this cloth, he would think Ṭalḥā wore this cloth in *iḥrām* (thus he would assume scented cloth is permitted). Refrain from using coloured sheets." (Muwaṭṭā Imām Mālik)

This shows that there is nothing essentially wrong with following scholars without evidence, rather it was always one of the ways the masses learnt their Dīn, as shown by ʿUmar's ﷺ statement.

3. One of the most clear examples of taqlīd was that of when the Messenger of Allāh ﷺ sent Muʿādh Ibn Jabal ﷺ to Yemen as a teacher. Whilst in Yemen, the people exclusively took what he taught them as Dīn. This is clearly taqlīd. For example, he was asked concerning a man who had been survived by a daughter and a sister only: how is his inheritance to be distributed between them. He ruled that they should receive half each, and he gave this ruling as a muftī without mentioning the proof for his view to the questioner. (Ṣaḥīḥ al-Bukhārī)

4. We find an example of the Ṣaḥāba doing taqlīd shakhṣī (specific taqlīd). It is narrated in Ṣaḥīḥ al-Bukhārī from ʿIkrima that the people of Madīna asked Ibn ʿAbbas ﷺ concerning a woman who performed ṭawāf and then entered her menstrual cycle (i.e. despite having *ṭawāf al-wadāʿ* upon her, is she permitted to return home or should she wait until her menstrual cycle finishes?). Ibn ʿAbbās ﷺ replied, "She may return." The people said, "We will not accept your opinion over the opinion of Zayd (ibn Thābit ﷺ)." (Ṣaḥīḥ al-Bukhārī)

Two things become clear from this incident. Firstly, the people of Madīna did specific taqlīd (*taqlīd shakhṣī*) of Zayd Ibn Thābit ﷺ, and consequently would not accept the opinions of another scholar from the Ṣaḥāba. Secondly, Ibn ʿAbbās ﷺ did not censure them for following his opinions exclusively.

5. The Companions are also noted to have done doing taqlīd of Ibn Masʿūd ﷺ due to his superior knowledge, as recorded in *Muṣannaf ʿAbd al-Razzāq* (Imām Muḥammad ʿAli al-Nīmawī ﷺ has declared its chain sound in *Āthar al-Sunan*, ḥadīth 997 pg.280). ʿAlqama ﷺ and Aswad ﷺ state that Ibn Masʿūd was seated and with him were Ḥudhayfa ﷺ and Abū Mūsā al-Ashʿarī ﷺ. Saʿīd bin al-ʿĀṣ asked the three concerning the number of takbīrs to be pronounced in the ʿĪd prayer. Ḥudhayfa ﷺ said, "Ask Al-Ashʿarī." The latter (however) said, "Ask Ibn Masʿūd, for indeed he is the oldest of us and the most knowledgeable of us." Saʿīd bin al-ʿĀṣ thus asked Ibn Masʿūd ﷺ who replied, "He will say four takbīrs (*allāhu akbar*), then he will recite. After this he will say the takbīr and go to the bowing posture (*rukūʿ*). Then, when he stands in the second standing (*rakʿa*), he will recite and then pronounce four takbīrs after the recitation.'" Again, we see that nobody among these senior Companions found it problematic that a legal opinion was given without stating its evidence. The reason is obvious: according to all Muslims, taqlīd of a reputable Muslim scholar is acceptable.

TAQLĪD IN THE AGE OF THE FOLLOWERS (TĀBIʿŪN)

Similar historic examples can be found for the time of the Followers (Tābiʿūn) and after. It is stated in *Al-Lā Madh'habiyyah akhṭar bidʿat tuhaddid al-Sharīʿat al-Islāmiyyah* (Non-Madh'habism is the most dangerous innovation to threaten the Sharīʿa), pg.15: "And for a long time, only ʿAṭā ibn Abī Rabāḥ and Mujāhid ﷺ issued fatwās (legal opinions) in Makka. The official announcer of the caliph would cry, 'No one is permitted to give answers to the people except these two imāms,' and none of the scholars of the successors objected to the caliph or to the people for this strict adherence."

It would be fair to say that up to the second century, two kinds of taqlīd were common in the umma: the non-specific (*taqlīd ghayr shakhṣī*) and specific taqlīd (*taqlīd shakhṣī*). The first type i.e. non-specific is when Muslims wanting to know the Islāmic ruling on an issue would simply go to any reputable scholar in the community who was accepted as an authority. This was the type of taqlīd which was prevalent in the early days. However, examples such as those cited above also show that Muslims also did specific taqlīd (*taqlīd shakhṣī*) of a particular Companion or Follower exclusively. This also proves that there is nothing essentially blameworthy with someone being a Ḥanafī or Mālikī, for there were people who were Mas'ūdīs (followers of the opinions of Ibn Mas'ud), Mu'ādhīs, 'Abbāsīs, etc. except that they did not go by these names.

One of the factors in the consolidation of taqlīd shakhṣī and the phasing out of the other type of taqlīd was the emergence of four scholars who gained such recognition for their learning and piety that students and even other scholars flocked around them. All four were blessed with long lives, such that they could encompass each and every chapter of legal rulings, and more importantly were undisputed mujtahids. A mujtahid is a master scholar who has reached the highest and most difficult level of ijtihād (independent juridical reasoning). There are many kinds of scholars of lower categories; however the one who is permitted to exercise his ijtihād in elaborating rulings is he who has spent many years acquiring the skills, primary religious sciences and auxiliary sciences, enabling him to soundly interpret the holy texts and thus making him deserving of being considered an authority in the important matters of the Dīn. Imām Aḥmad ﵀ said that a person cannot be considered a mujtahid until he has not memorised three hundred thousand ḥadīths.

THE STAGE OF CONSOLIDATION

The students of these four imāms further elaborated their legal opinions, their principles of interpretation, and most importantly preserved and then transmitted their teacher's school (madh'hab) to

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the next generation. These four scholars were:

- Imām Abū Ḥanīfa (80-150 AH)
- Imām Mālik ibn Anas (93-179 AH)
- Imām Muḥammad ibn Idrīs al-Shāfi'ī (150-204 AH)
- Imām Aḥmad ibn Ḥanbal (164-241 AH)

If we take a snapshot of the umma by the end of the second century, we see that taqlīd was being done of these four great imāms, as well as other such mujtahid imāms. But with time, the majority of people ended up doing taqlīd of these four schools exclusively. By virtue of them being fully formed, propagated and codified, more and more scholars received training in these codified schools. The umma's convergence upon the acceptance of these four schools was coincidental, and not divinely revealed. Having said this, the mercy for the umma that lay in converging on four is not hidden, and hence it was seen as divine intervention to ensure the preservation of the Dīn, as Allāh Ta'āla had promised: "Indeed it is Us who have revealed the Remembrance and it is for Us to preserve it" (Sura Al-Ḥijr: 9).

The schools of the other mujtahid scholars eventually disappeared, as they did not receive the same kind of attention the schools of the four imāms received. For this reason, even if a person wished to revive their schools and opinions, it would not be possible to do so. They may have once had a thriving circle of students, but for whatever reason, they did not fully document, codify or transmit the school. One may find some of their legal opinions have been persevered, but that is not sufficient to consider that school fit for taqlīd. Just to give one glaring danger inherent in permitting this, leaving aside the fact there are but a handful of their legal opinions that have come down to us, it is not known if that particular opinion one wishes to adopt was the final opinion of that scholar, or did he change his view in later life. There is no way of knowing this without detailed commentaries written by his students, as well as a strong transmission of all his opinions. This problem is carefully taken care of in the four established schools.

Thus the four schools came to represent de facto Sunnī Islām. Anyone who wished to seriously study Islāmic law as a beginner was

compelled, by virtue of the schools' undisputed academic prowess and chapter by chapter preservation, to align oneself with one of them.

It is for this reason that we have another undeniable fact that non-muqallids (those who deny taqlīd and consider it unlawful) try to avoid. That is the fact that the vast majority of Sunnī scholastic geniuses followed one of the four schools. For example the following is just a small selection of unquestionable authorities in our Dīn who were known to have adhered to one madh'hab from the four:

Imām Abū ʿĪsa al-Tirmidhī (Shāfiʿī)
Imām Abū Jaʿfar al-Ṭaḥāwī (Ḥanafī)
Imām Fakhr al-Dīn al-Rāzī (Shāfiʿī)
Imām Ibn ʿAbd al-Barr (Mālikī)
Imām Abū Zakariyyā al-Nawawī (Shāfiʿī)
Imām Abū Bakr Jaṣṣāṣ (Ḥanafī)
Imām Ibn Rajab (Ḥanbalī)
Imām Ibn al-Humām (Ḥanafī)
Imām Abū Isḥāq al-Shāṭibī (Mālikī)
Imām Ibn Ḥajar al-ʿAsqalānī (Shāfiʿī)
Imām Abū al-ʿAbbās al-Qurṭubī (Mālikī)
Imām Badr al-Dīn al-ʿAynī (Ḥanafī)
Imām Jalāl al-Dīn al-Suyūṭī (Shāfiʿī)
Imām Ibn Rushd (Mālikī)
Imām Al-Dhahabī (Shāfiʿī)
Imām Ibn Qudāma (Ḥanbalī)

There is certainly a difference in the way expert scholars like the abovelisted do taqlīd of a school and how others do it. Erudite scholars who were well-grounded in the Islāmic sciences researched the evidences, and if they believed that the more correct position was different to that of the school, they would leave the school on that issue. For the laymen however, this is beyond their capabilities. Moreover, every believer is not required to become a scholar, as that would have required everyone to leave important academic areas such as medicine, engineering etc. On the contrary, the Sharīʿa does not

demand of us that which is beyond our means. Allāh Most High says: "Allāh does not burden any soul except what it can bear" (Sura Al-Baqara: 286). Hence, their duty is to simply follow true scholars, as ordered in the seventh verse of Sura al-Anbiyā.

It is interesting to note that although the likes of the scholars mentioned above did possess a level of ijtihād, in their own view they did not feel they were able to do without taqlīd of whichever one of the four imāms they followed. Imām Tirmidhī's ﵀ ḥadīth collection, *Al-Jamiʿ*, is a testament to this. If a person well-versed in the Shāfiʿī school goes through this book, he will notice that the ḥadīths therein are in support of this school, as is plain to see from the chapter-headings and Imām Tirmidhī's ﵀ commentary.

With the passing of the pious generations, a kind of consensus of the scholars emerged that in the interest of preserving the Dīn, the laymen would only be permitted to do taqlīd of the four schools. Having said this, a person was not restricted in whom he asked for legal opinions from the four schools. This kind of non-specific taqlīd is known as *taqlīd ghayr shakhṣī*. Because of the general greater religiosity in the first generations, a person would seek out the most pious scholar, even though he was not restricted by the scholars in whose taqlīd he did. Even if he ever gained more than one opinion, he would incline to the more precautious opinion, and thus the danger of following one's desires was relatively little.

TAQLĪD GHAYR SHAKHṢI TO TAQLĪD SHAKHṢĪ

As impiety and following of desires became more common, the scholars became more unequivocal of the obligation of following one school exclusively. The historical facts make this explicitly clear and anyone who contends otherwise is frankly out of touch with the reality and is unaware of the countless illustrious jurists who have stated this view. In short, the fact is that by the end of the second century, and also the end of the best of generations, there was a shift in the general attitude of people and personal desires started playing a greater role in the opinions being followed. The Prophet ﷺ himself

had forewarned of this when he said, "Then falsehood will become widespread." It was at this time that the scholars unanimously agreed that no longer will people be given the option of choosing opinions, rather they must follow one school only, whichever that maybe from the four. Imām Shāh Walīyyullāh ﷺ states, "After the second century, adherence to specific schools appeared among the Muslims.... and this was the obligation at that time." (See *Al-Inṣāf fī Bayān Asbāb al-Ikhtilāf*, pg.70)

MISLEADING ANOMALIES

However, one may come across some Islāmic books stating that the position of the majority of scholars was that only taqlīd of any scholar is compulsory (*taqlīd ghayr shakhṣī*) and only a few scholars held taqlīd of a specific school (*taqlīd shakhṣī*) to be incumbent. Based on this claim, a layman can follow all four imāms in an arbitrary manner; that is he is allowed to pick and choose between the schools at his discretion.

This claim, although acknowledgeing the lofty credentials of the four imāms, is nevertheless mistaken. It not only conflicts with the patent need of the Dīn that lies in making *taqlīd shakhṣī* (following one school exclusively) incumbent, it is also not substantiated by the facts, the most incontrovertible of which are the statements of a great number of jurists, as we shall mention below.

Furthermore, the other view regarding *taqlīd ghayr shakhṣī* has only been supported by citing the statements of two or three scholars who believed this, which by no standards constitutes the majority. To be sure the claim is an aberration, if one looks at the argument that underlies this view, one will find it to be clearly flawed. And the majority of the umma's elect cannot have converged upon an error.

The argument is based upon the understanding of the verse, "Ask the people of remembrance [i.e. knowledge] if you do not know" (Sura Anbiyā: 7). Basically, it is argued that this verse made no distinction between the scholars and only obligated the layman with following the scholars in general. The author of *Al-Fiqh al-Islāmī* has

expressly stated this very argument in his words:
"Allāh only obligated following the scholars without specifying one and not the other. He said: Ask the people of remembrance if you do not know" (Sura Anbiya: 7). (*Al-Fiqh al-Islāmī*, vol.1 pg.94)

The answer to this objection is that the reality is that Allāh made taqlīd obligatory in general (*taqlīd muṭlaq*). Taqlīd in its general sense has two sub-categories (*anwāʿ* or *afrād*): *taqlīd ghayr shakhṣī* (non-specific taqlīd of any scholar) and *taqlīd shakhṣī* (specific taqlīd of a particular scholar).

Thus, it becomes apparent that taqlīd itself is an obligation (*wājib*), inclusive of all its types. In short, the verse of Sura Anbiyā actually made both kinds of taqlīd obligatory, and an individual who does either one of the two has fulfilled the obligation binding upon him. It was for this reason we find examples of both kinds of taqlīd being practised by the first generations as recorded above. As for why the scholars prohibited the option of *taqlīd ghayr shakhṣī*, it was due to a change in the condition of the people, the juristic basis for which will be discussed later.

THE MAJORITY OF ULEMA ON TAQLĪD SHAKHṢĪ

Taqlīd shakhṣī was viewed as an obligation and this was the common view held by undisputed expert scholars throughout most of Islāmic history. However, some opponents go to the absurd extremes of considering taqlīd of any kind to be unlawful, saying that it is in fact the duty of every Muslim to derive for himself all the detailed rulings from the Holy Qur'ān and Sunna. One of the reasons they succeed in getting people to believe such baseless and outlandish claims is because they falsely give the impression that this is also the view held by most of the great Islāmic scholars in the past. The actual position of the classical scholars of Islām however, as proven by the quotes below, is very different to this. Even a greatly relied-upon scholar by such claimants, namely the late Shaykh Muḥammad ibn Ṣāliḥ ʿUthaymīn ﷺ has stated clearly in his *Al-Uṣūl min ʿilm al-Uṣūl* that the layman must do taqlīd of the scholars. In his recorded lectures of the same

text, he says that for the average Muslim to try to delve into the Holy Qur'ān and Sunna in order to deduce rulings is like a person who has not learnt how to swim swimming in the sea. It will only lead to his destruction.

Another view which is not as dangerous as the first but nonetheless problematic is that it is permissible to follow any scholar, be he from outside the four accepted schools.

Thus, the quotations gathered below have intentionally not been restricted to proving that *taqlīd shakṣī* is obligatory, although the vast majority of these quotes will establish that most of the scholars of Ahl al-Sunna wa 'l-Jamā'a held *taqlīd shakṣī* in particular to be obligatory. The scholars we shall mention are such authorities in the sacred knowledge of the Dīn that it is not unreasonable to assume that this is also the view of their many eminent teachers, students and learned Muslims in general.

❁ Imām Dhahabī ﷺ writes in *Siyar A'lam al-Nubalā* under Ibn Ḥazm Ẓāhirī's ﷺ comment, "I follow the truth and perform ijtihād, and I do not adhere to any madh'hab", "I say: yes. Whoever has reached the level of ijtihād and a number of imāms have attested to this regarding him, it is not allowed for him to do taqlīd, just as it is not seeming at all for the beginner layman jurist who has committed the Qur'ān to memory or a great deal of it to perform ijtihād. How is he going to perform ijtihād? What will he say? On what will he base his opinions? How can he fly when his wings have not yet grown?" (vol.18, pg.191)

❁ Imām Ibn al-Humām ﷺ, author of many unique works in j - risprudence and creed, records the view of the Ḥanafī scholars in *Fatḥ al-Qadīr,* his commentary of *Al-Hidāya*:
"(As for the layman) it is obligatory for him to do taqlīd of a single mujtahid...The jurists have stated that the one who moves from one madh'hab to another by his ijtihād and evidence is sinful and deserves to be punished. Thus, one who does so without ijtihād and evidence is even more deserving." (*Fatḥ al-Qadīr,* vol.6 pg.360)

❁ Imām Nawawī ﷺ says in *Al-Majmū' Sharḥ Al-Muhadh'dhab*:
"The second view is that is obligatory for him to follow one particular school, and that was the definitive position according to Imām Abū 'l-Ḥasan ﷺ (the father of Imām al-Ḥaramayn Al-Jawīnī). And this applies to everyone who has not reached the rank of the ijtihād of the jurists and scholars of other disciplines. The reason for this ruling is that if it were permissible to follow any school one wished, it would lead to hand-picking the dispensations of the schools and following one's desires. He would be choosing between ḥalāl and ḥarām, and obligatory and permissible. Ultimately, that would lead to relinquishing oneself from the burden of responsibility. This is not the same as during the first generations, for the schools that were sufficient in terms of their rulings for newer issues were neither codified nor widespread. Thus, on this basis it is obligatory for a person to strive in choosing only one madh'hab which he follows." (*Al-Majmū' Sharḥ Al-Muhadh-dhab,* vol.1 pg.93)

❁ Imām Sha'rānī ﷺ, an undisputed authority in the Shāfi'ī school, writes in *Al-Mīzān al-Kubrā*:
"...You (O student) have no excuse for not doing taqlīd of any madh'hab you wish from the schools of the four imāms, for they are all paths to Heaven..." (*Al-Mīzān al-Kubrā,* vol.1, pg.55)

❁ Shaykh Ṣāliḥ al-Sunūsī ﷺ writes in *Fatḥ al-'Aliyy al-Malik fī 'l-Fatwā 'alā Madh'hab al-Imām Mālik*:
"As for the scholar who has not reached the level of ijtihād and the non-scholar, they must do taqlīd of the mujtahid...And the most correct view is that it is obligatory (*wājib*) to adhere to a particular school from the four schools..." (*Fatḥ al-'Aliyy al-Malik fī 'l-Fatwā 'alā Madh'hab al-Imām Mālik,* pg.40-41)

❁ In *Tuḥfat al-Muḥtāj fī Sharḥ al-Minhāj*, Shaykh al-Islām Aḥmad Ibn Ḥajar al-Haythamī ﷺ writes:
"The claim that the layman has no madh'hab is rejected, rather it is

necessary for him to do taqlīd of a recognised school. (As for the claim: scholars did not obligate following one school), that was before the codification of the schools and their establishment." (*Tuḥfat al-Muḥtāj fī Sharḥ al-Minhāj*, vol.12 pg.491)

❁ In the famous twelve-volume Mālikī compendium of fatwās, *Al-Mi'yār al-Mu'rib 'an Fatāwā Ahl al-Ifrīqiyya wa 'l-Undulus wa 'l-Maghrib*, Imām Aḥmad al-Wanshirīsī ﷺ records the fatwā on taqlīd:
"It is not permitted for the follower of a scholar to choose the most pleasing to him of the schools and the one that agrees with him the most. It is his duty to do taqlīd of the imām whose school he believes to be right in comparison to the other schools." (vol.11 pg.163-164)

❁ The great authority in uṣūl, Imām Āmidī ﷺ writes in *Al-Iḥkām fī Uṣūl al-Aḥkām*:
"The layman and anyone who is not capable of ijtihād, even if he has acquired mastery of some of the disciplines (*'ulūm*) related to ijtihād, is obligated with following the positions of the mujtahid imāms and taking their juristic opinions, and this is the view of the experts from the scholars of the principles (*al-muḥaqqiqūn min 'l-uṣūliyyīn*). It was the Mu'tazilites of Baghdad who prohibited this, except if the soundness of his ijtihād becomes clear to him." (vol.4 pg.278)

❁ Imām Zāhid al-Kawtharī ﷺ, Ḥanafī jurist and senior juridical advisor to the last Shaykh al-Islām of the Ottoman Empire, wrote in an article against the growing modern trend of non-madh'habism, entitled *Al-Lā Madh'habiyya Qanṭarat al-Lā Dīnīyya* (Non-Madh'habism is a bridge to non-religion):
"Those who call the masses to discarding adherance to a madh'hab from the madh'habs of the imāms who are followed, whose lives we briefly mentioned in what has passed, will be of two groups: those who consider that all the derived opinions of the mujtahid are right, such that it is permissible for the layman to follow any opinion of any mujtahid, not restricting himself to the opinions of a single mujtahid whom he selects to be followed. This way of thinking is of the

Mu'tazilites. The (second group) are the Ṣūfīs who consider all the mujtahids to be right, in the sense that they seek out the hardest opinions from their positions without confining themselves to following one mujtahid." (Published in *Al-Maqālāt al-Kawtharī*, pg.224-225)

❁ In the commentary of the Shāfi'ī text *Jam' al-Jawāmi'*, Imām Al-Jalāl Shams al-Dīn al-Maḥallī ﷺ writes:
"And the soundest position is that it is obligatory for the non-scholar or layman and those besides them (i.e. scholars) who have not reached the rank of ijtihād to adhere to one particular school from the madh'habs of the mujtahid imāms (*iltizām madh'haban mu'ayyanan min madhāhib al-mujtahidīn*) which he beliefs to be preferable over another school or equal to it." (*Kitāb al-Ijtihād*, pg.93)

❁ Imām Rashīd Aḥmad Gangohī ﷺ, the great jurist of the nin - teenth century, writes in *Fatāwā Rashīdīya*:
"When the corruption that comes from non-specific taqlīd (*taqlīd ghayr shakhṣī*) is obvious - and no one will deny this provided he is fair - then when specific taqlīd is termed obligatory due to an external factor (*wājib li-ghayrihī*) and non-specific taqlīd is termed unlawful, this will not be by mere opinion, rather it is by the command of Allāh's Messenger ﷺ, for he commanded that removing corruption is an obligation upon every individual." (pg.205)

❁ Imām 'Abd al-Ḥayy al-Lakhnawī ﷺ writes in his *Majmū'at al-Fatāwā*, after mentioning the various views of the scholars on taqlīd:
"On this subject, the soundest view is that laymen will be prevented from such (choosing) of different opinions, especially the people of this time, for whom there is no cure besides following a particular madh'hab. If these people were allowed to choose between their madh'hab and another, it would cause great tribulations." (vol.3 pg.195)

❁ Imām Ibn Rajab al-Ḥanbalī ﷺ writes in his book, *Al Rad 'alā Man ittaba'a Ghayr al-Madhāhib al-Arba'a*:

"...that is the mujtahid, assuming his existence, his duty is to follow what becomes apparent to him of the truth. As for the non-mujtahid, his duty is taqlīd." (pg.6)

❁ In the renowned Mālikī text, *Marāqī al-Ṣaʿūd*, it states:
"(Taqlīd) is necessary for other than the one who has achieved the rank of absolute ijtihād, even if he is a limited (mujtahid) who is unable (to perform absolute ijtihād)" (pg.39). He further writes: "Every school from the schools of the (four) mujtahids is a means that conveys one to Paradise."

❁ In one of the most authoritative juristic commentaries of the Holy Qur'ān, *Al-Jāmiʿ li-Aḥkām al-Qur'ān*, Imām Qurṭubī writes in commentary of the seventh verse of Sura Anbiyā:
"The scholars did not disagree regarding the obligation of non-scholars (*al-ʿāmma*) to do taqlīd of their scholars, and they are meant in the verse: Ask the people of remembrance if you do not know. The scholars by consensus stated it is necessary for one who is blind to do taqlīd of someone who will inform him of the direction of the qibla if it becomes difficult for him. Similarly, one who does not possess knowledge or insight regarding the teachings of the Dīn, it is necessary for him to do taqlīd of the scholar who does." (vol.11 pg.181)

❁ It is stated in *Al-Miṣbāḥ fī Rasm 'l-Muftī wa Manāhij al-Iftā* that the internationally renowned jurist Mufti Taqi Usmani says:
"The sound view, by which the majority of the scholars abide, is that it is obligatory for all who have not reached the rank of ijtihād to adhere to a particular school from the four well-known, codified and definitively transmitted schools. This is in order to regulate a person's actions and control his worldly dealings in a way that protects from confusion and errors, fulfilling the compelling need." (vol.1, pg. 251-252)

❁ Shaykh Muḥammad ibn Ṣāliḥ ʿUthaymīn writes in his *Al-Uṣūl min ʿIlm al-Uṣūl* in the chapter on taqlīd:

"Taqlīd takes place in two places; the first is that the person doing taqlīd be a layman, incapable of discerning the ruling by himself, so his duty is to do taqlīd due to the statement of Allāh Taʿāla: Ask the people of remembrance if you know not (Sura Naḥl: 43)." (pg.68)

Shaykh Muḥammad ibn Ṣāliḥ ʿUthaymīn also outlines in the preceding chapter what is required for a person to be capable of deducing rulings from the sacred texts, in other words the pre-requisites of ijtihād. He records six conditions, the first of which is the condition of encompassing all the verses and ḥadīths on the subject. This would at the very first hurdle lose most of us who have not learnt, let alone mastered, the Arabic language. Translations can never convey the linguistic intricacies, rhetorical devices and semantic nuances of the original Arabic, and furthermore a vast number of the ḥadīth collections have yet to be translated into English.

JURISTIC BASIS FOR TAQLĪD SHAKHṢĪ ALONE BEING OBLIGATORY

It is important to elaborate in detail what led to the change in ruling from the permissibility of asking any of the scholars of the four schools to exclusively following one from the four. As already stated, both kinds of taqlīd (non-specific and specific) equally shared the status of being obligatory for the layman. The choice was for him to follow one school or to simply ask any scholar he considered a reliable scholar, regardless of his school.

This first type of taqlīd (*taqlīd ghayr shakhṣī*) however, created a danger which with the passing of time became more and more real. The early Muslims were sincere in their following of the Dīn and their simple and pure motivation in going to ask a scholar was to find out what the Dīn said about that particular issue. Their objective was not to compile a portfolio of opinions and opt for what took their fancy. Later on, desires and whims entered the equation and became the motivating force when questioning. People would "shop" for opinions, and in their pursuit to fulfil their desires, they searched for anyone who would legitimise their desire.

The reason why this was an unacceptable development that had to be somehow prevented was the Qur'ān prohibiting a person from following his base desires. The Holy Qur'ān says: "Have you seen he who takes his desire as a god" (Qur'ān 45:23).

Based on this, all Muslim scholars consider it absolutely forbidden for a person seeking to do something unlawful to seek justification for it through texts or the opinions of the scholars. Similarly, seeking out easier or favourable views from the scholars to escape the more difficult views of other scholars, is another form of allowing desires to dictate one's religion.

Restricting a Muslim to the following of the four schools went far in closing the door of following desires. However, there still remained room for arbitrary following, based on ease that existed in opposing opinions between the four schools. For example, a Shāfiʿī-follower might look to the Ḥanafī school and see that ritual ablution (*wuḍū*) does not become invalid by touching the hand of a woman, and thus opt for it. It is clear that being a person who follows the imām but does not appreciate the evidences that his choosing this view was due to ease, a case of following one's desires.

The great jurist of the Ḥanafī school, Imām Ibn ʿĀbidīn ﵀ records the following eye-opening incident that illustrates the gravity of this problem. There was a student of Imām Abū Ḥanifa who once approached a ḥadīth scholar for his daughter's hand in marriage. The scholar refused and said he would only marry her to him if he started raising his hands (*raf al-yadayn*) in ṣalāh, reciting behind the imām and pronouncing āmīn loudly. The student agreed and consequently married the scholar's daughter. When the Ḥanafī jurist Abū Bakr al-Jawzajānī ﵀ was informed of this, he replied, "As for the marriage it is sound, but I fear that he (the student) may have left the Dīn, because he left what he believed to be the truth for his personal desire."

Imām Shāṭibī ﵀ among other jurists has extensively explained the dangers in leaving fiqh unregulated. He says that ultimately, the very purpose of the Sharīʿa - which is *taklīf* (charging people with duties and responsibilities) would become defunct, as laymen created their own desired opinions through caprice and moral corruption.

THE STATE WE ARE IN

If there was a need for this kind of regulating in the time of Imām Shāṭibī ﵀, and as recognised by the majority of Sunnī scholars throughout the centuries, we are in need of it now more than ever. We live in an age in which desires and whims are incredibly powerful forces dictating every moment of people's lives. Leave aside mention of the general Muslim masses who are totally unlearned in the Islāmic sciences, we find endless examples of those who have actually devoted much time to learning Arabic and the other Islāmic sciences, bringing forth opinions unheard of and inimical to the pristine principles of Islām. We have so-called learned people today arguing that usury (*ribā*) is permitted, women can lead men in ṣalāh, that intermingling between men and women is fine, in fact taught by the Sharīʿa, and that music and musical instruments are lawful (as recently declared by Shaykh Adil Kalbani, former imām of Al-Masjid Al-Ḥarām, Makka). But perhaps the most tragic manifestation of this kind of unprincipled "do-it-yourself" Islām is the permitting of killing innocent civilians which we witness today. All of this is argued to be sanctioned by the Holy Qur'ān and Sunna. If the above is a result of allowing the so-called learned of today to derive laws from the Holy Qur'ān and Sunna, one can imagine what catastrophic consequences would result upon this already divided and decaying umma if every Muslim was to have the right to derive laws for himself.

Thus, reason and necessity demand that there be a system whereby Muslims can be saved from making their Dīn a mockery and plaything. Consequently, scholars in their thousands testified that the four schools are the best framework for this. This is for many reasons, among them being that all four imāms are considered by consensus of the entire umma to have reached the highest level of taqwā (God-fearingness) and far from becoming swayed by desires and worldly motives, in addition to their unparalleled expertise in the sciences.

THE EVIDENCE FOR SCHOLARS DECLARING SOMETHING WHICH WAS PREVIOUSLY PERMISSIBLE AS UNLAWFUL

The jurists fully appreciate that rulings change with time, and there are many examples in the Sharīʿa where something which was at one time permissible became unlawful and vice versa, in consideration of other greater principles of the Dīn. For example, selling arms in an Islāmic state is permissible. However, jurists declared selling arms unlawful at a time of civil war, as killing a believer is from the gravest of sins, regardless of which side he is on. Thus, selling arms in such a situation is tantamount to aiding the killing of a believer.

Another example is the role of ʿUthmān ﵁ in standardising the recitation of the Holy Qur'ān. The Messenger of Allāh ﷺ prayed to Allāh Taʿāla for the Holy Qur'ān to be revealed in seven independent dialects of the Arabs, so that it would be easy for them to recite. During the lifetime of the Messenger ﷺ, the various Arabs would recite it according to one of these dialects. Soon after the death of the Messenger ﷺ, Islām had spread across to Persia, Asia and Africa. The spread of Islām also meant that new converts to Islām in these non-Arab lands were learning to recite the Book of Allāh. It was at this time during the reign of ʿUthmān ﵁ that the existence of several dialects became a cause for confusion among these new converts. What had initially been for the purpose of facilitation and ease was instead becoming a means of difficulty and confusion. Thus, ʿUthmān ﵁ declared the writing, reciting and instruction of six dialects of the Holy Qur'ān as unlawful, and this was done in the presence of Companions who agreed with him. Hence what was previously permitted was now considered unlawful.

Similarly, when jurists saw the sheer number of opinions prevalent in the community, coupled with the threat of following one's desires, they declared taqlīd of only the four schools obligatory. Then, as moral uprightness among the masses decreased and the tendency to follow one's desires in legal opinions increased, the ruling given was that taqlīd of only one school is permitted for the layman. This ruling was with the purpose of closing the doors to the evil of following

one's desires, based on a principle of the Sharīʿa referred to as "blocking the means (*sadd al-dharāʾiʿ*)", and in order to preserve the obligation of the duties believers are accountable for.

All jurists have acknowledged this principle, although they have differed in the exact name they have given it. Imām Shāṭibī ﵀ in his *Muwāfaqāt* (vol.4 pg.66) quotes Imām Qarāfī ﵀ as saying that there is consensus (*ijmāʿ*) of the scholars on its being an accepted principle. Imām Abū Zahra ﵀ in his *Uṣūl al-Fiqh* (pg.253) has confirmed it to be the view of all four schools. The reason for its general acceptance is that it is in reality a law based on the rationale of looking to the end result of an action. If something is evil or unlawful, it is absurd to think that there is nothing wrong with the presence of that which will directly lead to that evil. In fact, we see it in action in every aspect of life. If parents prevent their children from going out alone, it is not because stepping outside is in itself forbidden, rather it is due to the many possible dangers of being outdoors unguarded. It is thus logical that whatever leads to an unlawful consequence should also be forbidden.

Another juristic principle similar to "blocking the means (*sadd al-dharāʾiʿ*)" is the principle of "acquiring the means" without which an obligation cannot be fulfilled. In other words, the precursor to an obligation is also obligatory (*muqadimat al-wājibi wājib*), or whatever the obligation cannot be fulfilled without is also obligatory (*mā lā yatimm al-wājib illā bihī fa huwa wājib*). In this case, a certain action is obligatory due to a command of Allāh Taʿāla. However, to fulfil that particular obligation, there may sometimes be a need for another action. Thus, in order to fulfil the order the second action will necessarily become obligatory, even when it has not been explicitly commanded in itself.

An example of the latter principle (of acquiring the means) is the order in the Holy Qur'ān to give zakāh. It is obvious a person will only be able to fulfil this command properly if he has detailed knowledge of zakāh rules, what the niṣāb (amount liable for zakāh) is, on what items zakāh must be given, what makes a person illegible to give or receive zakāh etc. Thus, although there is no text specifically

making study of the rules of zakāh incumbent, based on this juristic principle, it would be said that it is obligatory for a Muslim to learn the fiqh of zakāh, through whatever means are available.

Thus, the unlawful consequence of people following their desires, which is clearly forbidden in the Holy Qur'ān, establishes the unlawfulness of unrestricted taqlīd or *taqlīd ghayr shakhṣī*. Similarly, the obligation to preserve the Sharīʿa from distortion and corruption establishes the obligation of adherence to *taqlīd shakhṣī*. Furthermore, one will note that where in the case of other issues, rulings are established by one of the two principles, the necessity of *taqlīd shakhṣī* is established by both.

There are other issues related to this topic which are deserving of discussion, but beyond the scope of this short booklet, eg. what are the conditions under which a madh'hab is left and answering the evidences usually quoted against taqlīd. (For these and other related topics, refer to: *Jawāhir al-Fiqh* by Muftī Muḥammad Shafī ﵀; *Qawāʿid fī ʿUlūm al-Fiqh* by Shaykh Ḥabīb Aḥmad Kayrānawi ﵀ (published as an introduction to Imām Ẓafar Aḥmad ʿUthmānī's ﵀ *Iʿlā al-Sunan*); *Al-Kalām al-Mufīd fī Ithbāt al-Taqlīd* by Mawlānā Muḥammad Sarfarāz Khān Ṣafdar ﵀; *The Legal Status of Following a Madh'hab* by Muftī Taqi Usmani; *Al-Lā Madh'habiyyah akhṭar bidʿat tuhaddid al-Sharīʿat al-Islāmiyya* by Shaykh Ramaḍān al-Būṭī. In English, Muḥammad Abū Zahra's, "The Four Imāms" is a very beneficial introduction to the legacies of these imāms)

APPENDIX

A number of common objections are raised against the Ḥanafī madh'hab in particular, thus it was considered appropriate to briefly discuss these objections and provide answers to them.

FIRST OBJECTION

Imām Abū Ḥanīfa ﵀, among other imāms, has been quoted as having said, "If there is a sound ḥadīth that goes against my opinion, then throw my opinion to the wall." In light of this statement, some people insist that whenever an opinion of the Ḥanafī school apparently contradicts any authentic ḥadīth, it is necessary to reject the opinion of Imām Abū Ḥanīfa ﵀ and follow the ḥadīth.

ANSWER

Firstly, as the reader would have understood from the preceding discussion, it is not within the capability of a non-scholar to determine whether in reality Imām Abū Ḥanīfa's ﵀ view contradicts a sound ḥadīth or not. What may apparently seem as Imām Abū Ḥanīfa's ﵀ having neglected a ḥadīth, as some often presume, is either due to considering the ḥadīth abrogated by a Qur'ānic verse or another ḥadīth, or that it is to be acted upon in a limited way.

It is obvious that Imām Abū Ḥanīfa's ﵀ reaching this conclusion will be after a comprehensive and in-depth study of all the texts. An example of this is the ḥadīth of *raf al-yadayn* (raising the hands in prayer) in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim. Here it is argued that Imām Abū Ḥanīfa ﵀ left the ḥadīth, and some argue that these ḥadīths did not reach him. However, the truth is that he knew of these ḥadīths and debated Imām Awzāʿī ﵀ in Makka concerning them, as recorded in his Musnad with its commentary by Mullā ʿAlī al-Qārī ﵀ (pg.35-38).

Imām Abū Ḥanīfa ﵀ however took into consideration the many other sound ḥadīths which explicitly state that Allāh's Messen-

ger ﷺ only raised his hands at the beginning of ṣalāh and that this was also the practice of many Companions after the death of Allāh's Messenger ﷺ. He narrates the sound ḥadīth through his own chain of narration from Ibn Mas'ūd ؓ that Allāh's Messenger ﷺ would not raise his hands except at the beginning of ṣalāh. This led Imām Abū Ḥanīfa to seek a middle position, i.e. that the practice was once part of ṣalāh, but like many other components of ṭahāra and ṣalāh, was later abrogated as the mode of ṣalāh became finalised. Thus, he did not ignore the ḥadīths, but rather reconciled between them.

In conclusion, the Imām's statement was not addressing the layman, but rather fellow scholars or his eminent students, who were expert scholars in their own right and who could appreciate the sophistication of the issues involved. This being the case, it would be unjust and foolhardy for a layman to read a ḥadīth and then demand that the followers of Imām Abū Ḥanīfa ؒ also adopt its practice in the way and manner he does. This applies equally to the other three schools of thought, as each has its evidences and proofs which the layman cannot fully grasp.

SECOND OBJECTION

A second simplistic objection, in reality strongly related to the abovementioned objection, is that the Ḥanafīs even when presented with authentic ḥadīths which conflict with their madh'hab give precedence to the opinion of Imām Abū Ḥanīfa ؒ. Thus, surely those who accept the ḥadīths are observing the correct methodology, as opposed to those who follow Imām Abū Ḥanīfa's ؒ opinions.

ANSWER

Again, this is another crude over-simplification of the issue. The simple answer to this is that there is no standard criteria to determine which ḥadīths take precedence over others, rather each of the erudite imāms formulated his own set of principles whereby he reconciled between conflicting ḥadīths. Thus, a ḥadīth which is cited

as evidence by one imām may not be accepted by another imām, due to the presence of other evidences which outweigh it according to the latter's principles. Based upon this, the very same objection can be reversed against those who raised this objection in the first place. i.e. you do not accept the ḥadīths we base our madh'hab upon. Furthermore, it is much safer to accept the rigorously systemised principles of an expert mujtahid imām with extensive knowledge of the Qur'ān and Sunna as opposed to the opinions of a person whose knowledge of the Dīn does not extend beyond the scope of a summarised version of Ṣaḥīḥ al-Bukhārī and at that, a translation of it.

Shaykh Ashraf 'Alī Thānawī ؒ has eloquently made this very point in his *Ashraf al-Jawāb*, p.211:

"Where a difference is found on a certain ruling, it is because there are (several) opposing ḥadīths. The ḥadīth you mention to us, we do not act upon, but we act upon another ḥadīth that we accept but which you do not act upon. Why do you accuse us then? You can also be accused of doing the same. You will argue that your ḥadīth is more preferable and ours is ineligible (*marjūḥ*). Our response is that the method of deciding what is preferable is dependant upon perception and comprehension. According to your perception, a particular ḥadīth is preferable whereas according to the perception of Imām Abū Ḥanīfa ؒ, a different ḥadīth is more preferable to be acted upon. According to us, the perception of Imām Abū Ḥanīfa ؒ in comparison to your perception is safer and better (as his depth of knowledge of Allāh's Book and the ḥadīths of the Messenger ﷺ, his expertise in grasping their subtleties, his trustworthiness, his penetrating insight, honesty, and fear of Allāh were testified to by thousands of imāms and scholars of the umma). In light of this, to declare yourselves as those who act upon ḥadīths and those who follow the four imāms as not acting upon ḥadīths is pure bias."

THIRD OBJECTION

A common objection which is nothing short of gross ignorance is that Imām Abū Ḥanīfa ؒ was not a muḥaddith (ḥadīth

expert), and hence many ḥadīths did not reach him. Therefore, it is unwise to follow an imām whose knowledge of the Sunna of Allāh's Messenger ﷺ was deficient.

ANSWER

It is totally incorrect to claim that Imām Abū Ḥanīfa ؓ was not a muḥaddith or that he lacked knowledge of ḥadīth. It is established through many sources that Imām Abū Ḥanīfa ؓ spent many years travelling across the Muslim world to acquire ḥadīths, until he became a ḥadīth master (*ḥāfiẓ al-ḥadīth*). He remained a student in the circle of the muḥaddith ʿAṭā ibn Abī Rabāḥ in Makka for several years, with ʿAṭā ؓ recognising him from amongst his distinguished students. Similarly, he obtained narrations from muḥadditḥs all across the Muslim world.

Kufa, the Imām's birthplace and where he spent most of his life, was a hub of learning and ḥadīth circles. Major Companions such as Ibn Masʿūd ؓ and ʿAlī ؓ had migrated to Kufa and transmitted their wealth of narrations to their students who held their circles throughout the city. ʿAllāma Zāhid al-Kawtharī ؓ, in his *Fiqh Ahl al-ʿIraq* – printed as an introduction to ʿAllāma Zaylaʿī's ؓ *Naṣb al-Rāya*, vol.1, pg.16-18 - has recorded a number of their students who taught ḥadīths in Kufa, making the city a focal point for hadith students from around the Muslim world. These narrators include: ʿUbayda Sulaymānī (d. 72 AH), ʿAmr bin Maymūn (d. 74 AH), Zarr bin Ḥubaysh (d. 82 AH), Abū ʿAbd al-Raḥmān al-Sulamī (d. 74 AH), Suwayd bin Ghafala (d. 82 AH), ʿAlqama ibn Qays (d. 82 AH), Masrūq (d. 63 AH) and others. Thus, the ḥadīths which were prevalent in Makka, Madīna, Syria and ʿIraq were undoubtedly in the knowledge of the Imām. Consequently, the Imām's biographies testify to his abundance of narrations, his many teachers and students.

Another interesting fact is that Imām Abū Ḥanīfa ؓ narrates many ḥadīths with chains that are termed thunāʾiyyāt (narrations consisting of two narrators) and thulāthiyyāt (narrations consisting of three narrators). This means that between the Imām and

Allāh's Messenger ﷺ, there only exists three narrators and often only two. In a book entitled *Al-Imām al-Aʿẓam Abū Ḥanīfa Wa ʾ-l-Thunāʾiyyāt fī Masānīdihī*, by Shaykh ʿAbd al-ʿAzīz al-Saʿdi, it is stated that just the thunāʾiyyāt (narrations consisting of two narrators) of the Imām are approximately two hundred and nineteen narrations. This makes his narrations, according to the standards of the classical ḥadīth scholars (muḥaddithūn), stronger than the narrations found in the Ṣaḥīḥs of Bukhārī and Muslim, as one will find that the number of narrators between them and the Messenger ﷺ are in most cases not less than four (in fact, the thulāthiyyāt of Imām Bukhārī ؓ only number twenty-one narrations). This proves beyond doubt that Imām Abū Ḥanīfa ؓ was not only a reputable muḥaddith, moreover he was among the major authorities and experts of ḥadīth.

TESTIMONIES REGARDING IMĀM ABŪ ḤANĪFA'S ؓ GREATNESS IN KNOWLEDGE

Finally, to dispel the notion that Imām Abū Ḥanīfa ؓ was weak in knowledge of ḥadīths, listed hereunder are authentic quotations of reliable, undisputed authorities in the ḥadīth sciences, attesting to the expertise in ḥadīth which Imām Abū Ḥanīfa ؓ had been gifted with:

- Misʿar ibn Kidām ؓ says, "I sought knowledge of ḥadīth with Abū Ḥanīfa but he surpassed us." (*Manāqib Abī Ḥanīfa*, pg.28)

- Imām Abū Dāwūd ؓ says, "May Allāh have mercy on Mālik. He was an imām. May Allāh have mercy on Shāfiʿī. He was an imām. May Allāh have mercy on Abū Ḥanīfa. He was an imām." (*Jamiʿ Bayān al-ʿilm wa faḍlihī*, pg.21)

It is important to note that the title imām is among the greatest words used by the muḥaddiths to declare someone reliable. Thus, Imām Abū Dāwūd's ؓ referring to Imām Abū Ḥanīfa ؓ as an imām is in essence declaring his expertise in all fields.

❁ Makkī ibn Ibrāhīm ﷺ, one of the greatest teachers of Imām Bukhārī ﷺ, says, "He was the most knowledgable person of his era." (*Tahdhīb al-Tahdhīb*, vol 10, pg.451)

❁ Imām Yaḥyā bin Sa'īd al-Qaṭṭān ﷺ says, "We have not heard anyone with a better opinion than that of Abū Ḥanīfa and we follow him in most of his opinions." (*Al-Bidāya wa 'l-Nihāya*, vol.13, pg.418)

Imām Yaḥyā bin Sa'īd al-Qaṭṭān ﷺ was an undisputed expert in the ḥadīth sciences and was a teacher to Imām Aḥmad ibn Ḥanbal, Yaḥyā ibn Ma'īn, 'Alī ibn al-Madīnī ﷺ and other great muḥaddiths. Furthermore, we notice that such a high-ranking muḥaddith does not hesitate in professing that he relies upon the religious verdicts of Imām Abū Ḥanīfa ﷺ, a fact which in itself is sufficient to prove Imām Abū Ḥanīfa's ﷺ depth of knowledge.

❁ Vouching for Abū Ḥanīfa's ﷺ deep perception of the Dīn, 'Abdullāh ibn Mubārak ﷺ said, "I have not seen anyone like him in fiqh." He also said, "If Allāh Most High had not assisted me through Abū Ḥanīfa and Sufyān [i.e.. Thawrī], I would have been like other people." (*Al-Bidāya wa 'l-Nihāya*, vol.13, pg.418)

❁ Imām Yaḥyā ibn Ma'īn ﷺ says, "Abū Ḥanīfa was reliable (*thiqa*). He would not narrate ḥadīths except that which he had memorised, and he would not narrate that which he had not memorised" (*Al-Tahdhīb*, vol.10 pg.450). He also said, "I have not heard anyone declare him weak." (*Al-Intiqā*, pg.127) Furthermore, he said, "The scholars are four: Thawrī, Abū Ḥanīfa, Mālik and Awzā'ī ﷺ." (*Al-Bidāya wa 'l-Nihāya*, vol.13, pg.418)

❁ 'Alī ibn al-Madīnī ﷺ says, "Abū Ḥanīfa: Thawrī and Ibn Mubārak narrated from him. He is reliable, there is no problem with him (*lā ba'sa bihī*)." (*Al-Jawāhir al-Muḍī'a*, vol.1 pg.29)

Admittedly, some scholars did declare Abū Ḥanīfa as weak in the knowledge of ḥadīths. However, the truth is that most of these statements are unfounded and transmitted through unreliable chains of narrations. Moreover, experts such as Dhahabī, Ibn Kathīr, Nawawī and Ibn Ḥajar have all praised Imām Abū Ḥanīfa ﷺ highly and not mentioned any criticism which renders his expertise in ḥadīth to be deficient. In fact, Imām Dhahabī ﷺ clearly states, "Our Shaykh Abu 'l-Ḥajjāj ﷺ (i.e. Mizzī) has done well by not mentioning anything which necessitates declaring (Imām Abū Ḥanīfa) weak." Imām Dhahabī ﷺ writes in *Tadhkirat al-Ḥuffāẓ*, "This is a mention of the names of those who have been declared reliable from the bearers of Prophetic knowledge and whose deductions are referred to in declaring reliable, declaring weak, authenticating and falsifying." He mentions Imām Abū Ḥanīfa ﷺ in this book. Imām Dhahabī ﷺ describes him as "the Imām, the Faqīh of the nation, the scholar of 'Irāq: Abū Ḥanīfa..." (*Siyar A'lām al-Nubalā*, vol.6 pg.390). Imām Ḥākim Naysāpūrī ﷺ in his *Ma'rifa 'Ulūm al-Ḥadīth* enumerates Imām Abū Ḥanīfa ﷺ among the "the reliable (*thiqāt*) renowned imāms among the Followers (Tabi'ūn) and those after them..." (pg.240)

Imām Shams al-Din Ibn 'Abd al-Hādī al-Maqdasī al-Ḥanbalī ﷺ in his book *Al-Mukhtaṣar fī Ṭabaqāt 'Ulamā 'l-Ḥadīth* has compiled a list of the major memorisers of ḥadīth. He writes in his introduction: "This book is an abridgement consisting of the (biographies) of all the major memorisers of ḥadīth (*ḥuffāẓ*) from the Companions of the Prophet ﷺ, the Followers (Tabi'ūn) and those after them. Anyone whose preoccupation is the knowledge of ḥadīth cannot be unaware of them." Among them, he mentions Imām Abū Ḥanīfa ﷺ.

Ibn 'Abd al-Barr ﷺ very concisely clears the matter by saying, "Those who have narrated from Abū Ḥanīfa and declared him reliable are more than those who have criticised him." (*Jamī' Bayān al-'ilm wa faḍlihī*, vol.2 pg.149)

Perhaps the most pertinent fact in this regard is that Imām Abū Ḥanīfa's ﷺ has been quoted as an authority in declaring narrators reliable or weak. Imām Tirmidhī ﷺ in his *Kitāb al-'Ilal* quotes Imām Abū Ḥanīfa ﷺ as having said, "I have not seen a greater liar than

Jābir al-Juʿfī nor anyone greater than ʿAṭā ibn Abī Rabāḥ." Imām Abū Ḥanīfa also declared Mujālid and Zayd ibn ʿAyyāsh as weak, and authenticated Sufyān Thawrī. It defies all sense that Imām Abū Ḥanīfa's ﵀ opinions be quoted by expert imāms of ḥadīth if he himself were to be of no standing therein.

In conclusion, Imām Abū Ḥanīfa ﵀ was not only an imām in fiqh but among the great muḥaddiths of this umma, as attested to by other muḥaddiths throughout the ages. We conclude this section upon the profound words of Ibn Khaldūn ﵀: "What proves that he was among the great mujtahids in the knowledge of ḥadīth is his madh'hab being relied upon among them (i.e.. the scholars), referring to and taking it into consideration, be it by rejecting or accepting it."

May Allāh Most High give us all the true understanding of the Din, may He enable us to appreciate the relentless efforts of the erudite imāms, reward them on our behalf, and enable us to understand the most apt saying of Sufyān ibn ʿUyayna ﵀, "Submitting to the jurists is safety in the Dīn." Āmīn.

Much confusion has sadly reigned concerning this subject amongst Muslims creating disunity and even animosity. The root cause however has been nothing more than the lack of information and access to the facts. This short but comprehensive work deals authoritatively with this misunderstood concept in Islam. "Understanding Taqlīd," explains the basic meaning of Taqlīd and its ruling in the light of the Holy Qur'an and Sunna. Furthermore, it also robustly augments the Islamic ruling by quoting no less than a dozen major Classical Sunni scholars, such as Imams Nawawī (author of Riyād al-Sālihīn) and Jalāl al-Dīn al-Mahallī (co-author of Tafsīr al-Jalālayn), proving that, contrary to propaganda, this was and always has been the position of the Ummah and its scholars for the majority of its history- until recent times.

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